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# Wetlands

## ors

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like I have in the past because of  
wetlands rules.

**Rumor:** Wetland determinations of the Natural Resources Conservation Service (NRCS) are made by only looking at slides in an office and not by on-site visits.

**Rumor:** No matter what type of wetland determination is made on my land, I'll be more restricted than I am now.

**Rumor:** I can't do anything on my land because I don't know if it's a wetland until the NRCS completes its determination.

**Rumor:** Farmers are now being mailed wetland determinations.

**Rumor:** The US Fish and Wildlife Service's (FWS) National Wetlands Inventory dictates wetland determinations.

**Rumor:** The FWS and the Environmental Protection Agency (EPA) can overrule an agriculture wetland decision of the NRCS District Conservationist or other NRCS staff.

# Wetlands

## Facts

- Fact:** If you did not alter a wetland—this includes drainage activity—after the 1985 Farm Bill was enacted, you can continue to farm your land like you have in the past. However you cannot improve drainage on land that is considered to be any type of wetland without jeopardizing USDA benefits.
- Fact:** An inventory of potential sites is being completed using aerial slides and other tools. Looking at five or more years of aerial slides gives a picture of five years, rather than one year, which is the case with a one-time site visit. NRCS believes this process is more accurate on cropped ground than one on-site visit would be. However, as the aerial photo inventory progresses, ground truthing of the results is done in each county. The inventory leads to a determination, which can be appealed. If an appeal is filed, a site visit is completed.
- Fact:** Restrictions on wetlands vary. You can continue to farm land that has been farmed in the past, unless you've violated Swampbuster rules. However, you can't improve drainage on wetlands or you jeopardize losing USDA benefits. You can maintain or improve drainage on prior converted cropland (areas completely drained before 1985). On all other pasture and cropland, you can maintain drainage, but cannot make improvements to the drainage. See the chart on the back of this page for a guide on how you can farm common types of wetland areas and the type of drainage maintenance allowed.
- Fact:** If you are planning on altering land that is or was a wet area, you can ask the local NRCS District Conservationist for a wetland determination. NRCS has completed hundreds of determinations over the past five years. On-site determinations completed previously remain in effect.
- Fact:** NRCS is only conducting an inventory at this time. The wetland inventory team is flagging areas that are potential wetlands. When an entire county inventory is complete, NRCS will send the inventory to the county NRCS District Conservationist. The local NRCS staff will then make determinations, and provide them to landowners. NRCS estimates it will be summer of 1995 before any landowner receives a wetland determination from this inventory.
- Fact:** The FWS National Wetland Inventory (NWI) is one tool used to determine if areas are potential wetlands. The wetland inventory team uses the NWI, as well as other items, including at least 5 years of aerial photos to help identify each site.
- Fact:** When NRCS is considering a change in the size or type of wetland in a determination, they must show EPA, FWS and the Army Corps of Engineers (COE) the changes and give reasons for the change. The EPA, FWS and COE may comment and make recommendations on the decision, but NRCS makes the final decision on agricultural wetlands. However, if the COE disagrees with the NRCS decision, they aren't required to accept it for Clean Water Act permit purposes.



# How wetland determinations are being made

To carry out requirements of the 1985 and 1990 Farm Bills, the Natural Resources Conservation Service has trained a wetland inventory team. This team is identifying potential wetland sites for each county. To identify wetland sites, the inventory staff uses several tools which include:

- USGS Topographic Maps
- County Soil Survey
- Approved County Hydric Soil List
- National Wetland Inventory (NWI)
- Maps showing elevations of 7 and 15 day flooding
- CFSA Compliance Slides (at least 5 years)

The compliance slides—color aerial 35mm slides are used by CFSA (Consolidated Farm Services Agency, formerly ASCS) to record crop history—are the key to identifying wetland areas. There are 8 to 14 years of slides available in Iowa (between 1981 and 1994). The inventory uses five or more years of those slides.

NRCS has analyzed precipitation data and selected slides based on a balance of normal, wet and dry years. By studying at least five years of slides, the team gets an accurate picture of what is on the land over time—not just a one time snapshot. To be identified as a wetland, areas must meet the following criteria:

- Contain a hydric soil  
and
- Support or be capable of supporting a predominance of hydrophytic vegetation  
and
- Meet hydrology criteria

The team views the five years of slides looking for distinctive wetland signatures—characteristics of wetlands. If these signatures show up enough years, the site is flagged. Using the Published Soil Survey Report, the team checks to see if flagged areas contains a hydric soil. If the hydric soil is present and the site has wetland signatures flagged in enough years, the area is marked as a wetland.

After sites are designated on a county map, the information is given to the District Conservationist. They then make the determination of what type of wetland is on each site of USDA Program participants. The county staff may need to gather additional information before making a determination.

The determinations are then provided to the landowner. NRCS estimates summer of 1995 before any determinations are provided to landowners. About 50 county inventories are scheduled for completion this year.

If the landowner doesn't agree with the wetland determination, USDA has an appeals procedure to follow. (USDA is in the process of revising the appeals procedure. However, the current process will be used until USDA has finished the revision.)

Any determination that was completed before 1995 where an NRCS staff has visited the site, (usually during an appeal) will not be changed.



# What can be done on wetlands?

Use this chart to help you understand wetlands. With each wetland definition, the use and cropping allowances are explained. Under the drainage allowed, you can tell which wetlands allow maintenance and which allow additional drainage.

Wetland definition	Use and cropping allowed	Drainage allowed	
		<i>maintenance</i>	<i>additional</i>
<b>Wetland (W)</b> An area of predominantly hydric soil which can support a prevalence of water-loving plants. Cattails, willow trees, sedges, rushes, some smartweeds, or other water-loving plants may be present.	May be used to produce commodities when weather permits, if no altering of the wetland hydrology takes place. No removal of woody vegetation is allowed.	May maintain the degree of drainage on adjacent FW, FWP, or PC that existed prior to 12/23/85	None
<b>Converted wetland (CW)</b> A wetland, farmed wetland or farmed wetland pasture drained or altered after 12/23/85 to enable more or better production of an agricultural commodity.	If drained or altered before 11/28/90, planting a commodity crop will cause a person to be ineligible for USDA benefits. Any alteration or drainage after 11/28/90 that makes the production of an agricultural commodity possible is considered swampbusting.	None	None
<b>Farmed wetland (FW)</b> A wetland that was partially drained or altered to produce crops prior to 12/23/85, but was not completely drained.	May be farmed as it was prior to 12/23/85.	May maintain the degree of drainage that existed prior to 12/23/85	None
<b>Prior conversion (PC)</b> Wetlands that were converted to cropland use before 12/23/85. This cropland was completely drained or otherwise altered to make it possible to produce crops, and it no longer meets wetland criteria of saturated soil or water-loving plants.	Produce agriculture commodities.	No restrictions	No restrictions

